



10096

AF/K600  
\$

Docket Number: 2316-150

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of ) Examiner: Frank W. LU  
ANDERSON et al. )  
Serial No.: 10/050,102 ) Group Art Unit: 1634  
Filed: January 18, 2002 )

For: DETECTION AND CHARACTERIZATION OF MICROORGANISMS

**RESPONSE AFTER FINAL UNDER 37 CFR 1.116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

September 15, 2003

Dear Sir:

In response to the Final Rejection mailed July 14, 2003, wherein the Examiner set a three-month period for response, the response was due September 14, 2003. As the due date falls on a Sunday, filing this response on Monday September 15, 2003 is deemed timely. (See 37 CFR § 1.17(a)).

**Remarks/Arguments** begin on page 2 of this paper.

An Appendix following page XXX of this paper includes:

- 1) TERMINAL DISCLAIMER for 6,340,570,
- 2) TERMINAL DISCLAIMER for 6,479,239,
- 2) a STATEMENT UNDER 37 CFR 3.73(b),
- 3) an Associate Power of Attorney,
- 4) a Certificate under 37 CFR 3.73(b), and
- 5) a Change In Correspondence Address.



Anderson et al.  
Serial No.: 10/050,102  
Page 2 of 2

**REMARKS/ARGUMENTS**

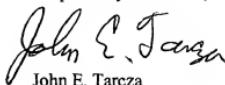
In response to the Final Rejection mailed July 14, 2003, Applicants have submitted two terminal disclaimers, which overcome the obviousness-type double patenting rejections. Other papers including a change of address, associate power of attorney, statement under 37 CFR 3.73(b) and a certificate under 37 CFR 3.73(b) are also attached.

Pages 6 and 7 of the Office Action contained a typographical error by incorrectly indicated the patent number to be 6,479,232. The terminal disclaimers do not pertain to such a patent. In view of the above exhibits and comments, the claims are now in conditions for allowance and applicants request a timely Notice of Allowance be issued in this application.

The commissioner hereby is authorized to charge payment of any fees under 37 CFR § 1.17, which may become due in connection with the instant application or credit any overpayment to Deposit Account No.500933.

John E. Tarcza  
Intellectual Property Advisor  
Large Scale Biology Corporation  
20451 Seneca Meadows Parkway  
Germantown, MD 20876  
301-354-1200 ext. 1223  
301-354-1300 Fax.  
E-MAIL [john.tarcza@lsbc.com](mailto:john.tarcza@lsbc.com)

Respectfully submitted,



John E. Tarcza  
Reg. No. 33,638

Date: September 15, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an enveloped addressed to:  
Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On September 15, 2003

Typed or printed name of person signing this certificate John E. Tarcza

Signature

